



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Penmetcha Kumar et al. Art Unit : 1634
Serial No. : 10/089,212 Examiner : B. Forman
Filed : March 26, 2002
Title : MODULATE APTAMER AND METHOD OF DETECTING TARGET
PROTEIN BY USING THE SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office Action mailed December 19, 2003, Applicants provisionally elect the claims of Group 1 drawn to the embodiment of a modulate aptamer. The election is made with traverse.

REMARKS

From the comments on page 2, lines 10-18, of the Office Action, Applicants understand the Examiner's position to be that the technical feature linking claim Groups 1-3 does not constitute a special technical feature as defined by PCT Rule 13.2 because: (a) the technical feature linking Groups 1-3 is their relation "to a modulate aptamer comprising two complementary oligonucleotide chains"; and (b) Shi et al. teaches the claimed aptamer.

Applicants respectfully disagree with this position.

First, Applicants draw the Examiner's attention to the fact that the technical feature is not only that they all relate to a modulate aptamer comprising two oligonucleotides, but also that the modulate aptamer forms a conjugate and stabilizes only in the presence of a target protein. The modulate aptamer specified in claims 9-18 is required to have all the features of that in claim 1.

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